



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200250077

Date: April 29, 2002

Comments Due: May 29, 2002

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to discharge dredged and fill material in the Las Vegas Wash and adjacent wetlands, as shown in the attached drawings. For a portion of the project, the applicant is seeking after-the-fact permit approval.

APPLICANT: John Laing Homes
Attn: Mr. Paul Kenner
4435 South Jones Boulevard, Suite 1
Las Vegas, NV 89103

APPLICANT'S AGENT: PBS&J
Attn: Mr. Gary L. Galbraith
901 North Green Valley Parkway, Suite 100
Henderson, NV 89074-7105
(702) 263-7275

LOCATION: Las Vegas Wash in Section 15, Township 21 South, Range 62 East, Clark County, Nevada.

PURPOSE: The proposed work will reduce flooding to an adjacent planned residential community by enlarging the channel and stabilizing the banks of the wash. Existing unauthorized fill in wetlands (1.31 acres from grading of the site) is within the footprint of the residential development.

PROJECT DESCRIPTION: The applicant is proposing to develop a 190-acre master planned residential development known as the Desert Inn Master Plan. The property is on the west side of Las Vegas Wash between Desert Inn Road and Flamingo Road. About 80% of the property is located within the 100-year floodplain of the wash. As part of the proposed development of the property, the applicant proposes bank stabilization and channel enlargement to protect the development from flooding and erosion. The wash will be excavated and stabilized with soil cementing and riprap along the west bank, and riprap along the east bank. Approximately 1.49 acres of wetlands and 6.09 acres of other waters of the United States are impacted by the proposed project. Approximately 1.31 acres of the wetlands impacts have already occurred as a

result of clearing of vegetation during grading of the site. These wetlands were dominated by tamarisk before the grading. The Sacramento District has accepted inclusion of this unauthorized activity into this permit application as part of resolution process for this violation. The proposed quantities of stone riprap and soil cement for the project are 6,894 cubic yards (cy) and 3,300 cy, respectively. Approximately 424,425 cy of material will be excavated from the wash. All excavated material will be deposited on upland areas of the project site for fill. Any unsuitable material from excavation will be hauled to an approved upland disposal site. The proposed channel design will incorporate broader flat terraces along each side of the low flow channel.

AREA DESCRIPTION: Las Vegas Wash is the major drainage for the Las Vegas Valley. The wash is highly urbanized over most of its length. There are 4 main four components to the flow in the wash namely, treated effluent, urban runoff, shallow groundwater, and stormwater, with treated effluent representing over 80% of the average annual flow. Nonetheless, the wash is an important ecosystem for a variety of fauna and flora. Vegetation is diverse but native species are struggling to survive against invasive (non-native) plants such as tamarisk and fountain grass. Before it was graded and vegetation removed, the proposed residential area was heavily dominated by tamarisk. Except for the 1.31 acres mentioned above, this tamarisk-dominated area was not jurisdictional wetlands under Section 404 of the Clean Water Act.

ALTERNATIVES: At this writing, the no action or permit denial alternative is the only identified alternative.

ADDITIONAL INFORMATION: As mitigation for project impacts to waters of the United States, the applicant is proposing to create a 4.02-acre constructed wetland, establish a 1.60-acre mesquite bosque, establish 1.08 acres of emergent vegetation in the wash, and plant 69 Fremont cottonwoods along a hiking trail. The applicant would monitor the mitigation for a minimum of 3 years after initial creation. If at the end of 3 years, the survival and growth success criteria (70-80%) have not been achieved, additional planting and monitoring will be performed until the success criteria have been met. Contact the Sacramento District's St. George Regulatory Office (see below) applicant's agent (see above) for more information on the mitigation plan.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are not any places either listed or recommended as eligible which would be affected. Presently unknown cultural resources may be located in the permit area.

This activity would not affect any threatened or endangered species or their critical habitat. The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **May 29, 2002**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The

benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If additional information is required, please contact the applicant's agent above, or Mr. Grady L. McNure Chief, St. George Regulatory Office at 321 North Mall Drive, Suite L-101, St. George, Utah 84790-7314; at email address, Grady.McNure@usace.army.mil; or telephone number (435) 986-3979.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Enclosures: Drawings